



Town of Uxbridge  
**Zoning Board of Appeals**  
21 So. Main St.  
Uxbridge, MA 01569  
(508) 278.8603

**MINUTES**

Minutes of the Zoning Board of Appeals September 5, 2007 at 7:00 P.M. in the Board of Selectmen's Meeting Rm., Uxbridge Town Hall, 21 So. Main St., Uxbridge, MA:

Member(s) Present: Chairman Mark Wickstrom, Charles Lutton, Thomas Bentley, Bruce Desilets (Associate Member)

Others Present: Megan DiPrete, Director of Planning and Economic Development

The meeting being duly called, properly posted and a quorum being present, Chairman Mark Wickstrom convened the meeting at 7:00 P.M.

**APPLICATIONS/HEARINGS:**

**FY08-08:** An application seeking a variance from the frontage and square footage requirements on property located at 61 Lackey Dam Road, Uxbridge, MA, Assessor's Map 09, Parcel 1516. The property is in zoning district Agricultural. The lot does not meet the current dimensional requirements for the zoning district. The lot has 29,120 sf (87,120 required) and 100 feet of frontage (300 required). The proposal shows a proposed addition to the dwelling which is otherwise conforming to the dimensional (setback requirements). The applicant was present and reviewed the request. Following public input, **Motion** by Mr. Bentley to close the public hearing. Seconded by Mr. Lutton, the motion carried unanimously.

**Motion** by Mr. Bentley to convert the application to a request for a determination under MGL Chapter 40A Section 6, on the Board's own motion. Seconded by Mr. Lutton, the motion carried unanimously.

**Motion** by Mr. Bentley to render a finding that the proposal is no more detrimental than the existing non-conforming nature and therefore approve construction of the addition as shown in the file, requiring compliance with all requirements such as Conservation Commission, Board of Health, etc. Seconded by Mr. Lutton, the motion carried unanimously.

**FY08-09:** Application seeking a Variance from the Front Setback requirements for property located at 165 Linwood Street, Assessor's Map 6, Parcel 4266. The property is located in the Residence A zone. The applicant seeks to expand building on a non conforming lot. The lot does not meet current dimensional requirements for the zoning district. The applicant was present and reviewed his request to enclose an existing second floor porch, which has the effect of increasing the living space of the structure. The existing lot has 100 feet of frontage (125 feet required) and 15,246 sf of area (20,000 sf required)

Following public input, **Motion** by Mr. Bentley to close the public hearing. Seconded by Mr. Lutton, the motion carried unanimously.

**Motion** by Mr. Bentley to convert the application to a request for a determination under MGL Chapter 40A Section 6, on the Board's own motion. Seconded by Mr. Lutton, the motion carried unanimously.

**Motion** by Mr. Bentley to render a finding that the proposal is no more detrimental than the existing non-conforming nature and therefore approve construction of the addition as shown in the file, requiring compliance with all requirements such as Conservation Commission, Board of Health, etc. Seconded by Mr. Lutton, the motion carried unanimously.

**FY08-10**: Application for a Special Permit to allow storage and sales of vehicles (used car sales, in addition to the existing automotive repair business) on property located at Advance Auto, Inc. 616A Douglas Street, Assessor's Map 28, Parcel 1724. The property is located in the Industrial zone. The applicant was present and discussed his proposal, which would be for not more than 10 cars for sale at any time. The for-sale vehicles would be located along the left side, probably parked at an angle, from the driveway. Following public input, **Motion** by Mr. Bentley to close the public hearing. Seconded by Mr. Lutton, the motion carried unanimously.

**Motion** by Mr. Lutton to find that the application is not injurious or offensive to the neighborhood and to approve the special permit for no more than 10 vehicles for sale at any time, based on compliance with all applicable permits and requirements such as Conservation Commission, etc. Seconded by Mr. Bentley, the motion carried unanimously.

**FY08-11**: The application seeks a Side Yard Setback Variance on property located at 167 West River Road, Assessor's Map 14, Parcel 1777. The property is in the zoning Residence C district. The applicant submitted photos showing constraints, and reviewed the proposal, to build an addition to the dwelling which will encroach upon the setback area by 5' (30 feet required). The property is connected to public water and sewer. Following public input, **Motion** by Mr. Bentley to close the public hearing. Seconded by Mr. Lutton, the motion carried unanimously.

**Motion** by Mr. Bentley to make a finding that the proposal is not detrimental to the neighborhood and does not derogate from the intent of the bylaw, that the position and design of the house relative to the lot and topography limits the ability to locate the proposed attached garage elsewhere and that the hardship of relocation of the garage is significant financially based on construction costs as represented. Seconded by Mr. Lutton, the motion carried unanimously.

**FY08-12**: The application is for a Variance from the dimensional requirements of Section VII, A9 of the Zoning By-Laws and a Special Permit under MGL Chapter 40A, Section 6 on property located at 133 Hecla Street, Assessor's Map 25, Parcel 2342.

Mr. Wickstrom and Mr. Bentley both indicated that they are abutters to abutters of notice. That is, while neither of them received notice of the public hearing, they each own property adjacent to someone who did receive notice. Had they both recused themselves, the Board could have been unable to act. Therefore, the Rule of Necessity was invoked. For the benefit of the public, the public was again described in detail. Both members of the Board stated their confidence in their ability to act impartially. The public was asked to express any concern or inquiry or objection; none was stated. The members indicated they would file the appropriate disclosure forms with the Town Clerk's office. With that, they both participated, and the review and public hearing commenced.

The property is located in zoning Residence A. The applicant seeks the Expansion of a use on a non-conforming lot by adding a 3<sup>rd</sup> dwelling unit to the existing structure. The lot is substandard, as it contains 101.34' of frontage on Hecla Street (125' required). The lot contains a total of 20,473 square feet. The Zoning By-Laws require 20,000 square feet of land for the first dwelling unit, plus 8,000 square feet for each additional unit (28,000 square feet required for 2; 36,000 square feet required for 3 dwelling units).

The applicant was present to review the request. There would be no exterior construction or addition made to the building. The property is currently used as a two-family structure. There are 2 electric meters and 2 gas meters. It appears that at one time it was a 3-family structure, since there are slots for additional meters. The current second floor apartment is a 3 bedroom unit. This apartment would be split into two, smaller (one-bedroom) apartments. There are several 3- and 4-unit structures in the neighborhood.

Following public input, **Motion** by Mr. Bentley to close the public hearing. Seconded by Mr. Lutton, the motion carried unanimously. **Motion** by Mr. Lutton to carry this item to the next meeting. Seconded by Mr. Bentley, the motion carried unanimously.

**FY08-13:** The applicant Lee Bliss/ owner of record Tracy Scovil are seeking a Special Permit under Section VII, A, 8b on property located at 18 Homeward Ave., Uxbridge, MA shown on the Town of Uxbridge Assessor's Map 18A, Parcel 2126. The property is located in the Residence A zoning district. The applicant was present and described his request to conduct a carpet cleaning business out of the detached garage at this location. He would purchase and live in the dwelling unit on the property.

Following discussion and review of the material provided by the Building Inspector indicating that a special permit pursuant to Section VIIA Section 8B was required, there was some discussion as to whether this was more properly a request to allow a home-based professional carpet cleaning business in the garage building.

**Motion** by Mr. Bentley to continue the public hearing to October 3, 2007 in order to gather clarification regarding the use category that most accurately applies. Seconded by Mr. Lutton, the motion carried unanimously.

**FY08-15:** Application for a Variance from the front setback requirements on property located at 24 Fletcher Street, Assessor's Map 18C, Parcel 2893. The property is located in the Residence B zoning district. The application seeks permission to expand a non-conforming dwelling by building an addition. The existing structure is 23' from the front property line (30' required). The applicant was present and reviewed the proposal to build an addition, to include a 2 car garage with living space above. The 32 X 32 addition (and removing the existing screened porch) would be 25' from the front property line.

The property is smaller and more narrow than required by the zoning bylaws. The proposed addition would be located 2-3 feet behind the front line of the house.

Following public input, Motion by Mr. Bentley to close the public hearing. Seconded by Mr. Lutton, the motion carried unanimously.

**Motion** by Mr. Lutton to convert the application to a request for a determination under MGL Chapter 40A Section 6, on the Board's own motion. Seconded by Mr. Bentley, the motion carried unanimously.

**Motion** by Mr. Lutton to render a finding that the proposal is no more detrimental than the existing non-conforming nature and therefore approve construction of the addition as shown in the file, requiring compliance with all requirements such as Conservation Commission, Board of Health, etc. Seconded by Mr. Bentley, the motion carried unanimously.

## **DECISIONS**

**FY 08-06** – Manship, 20 Pleasant Street, Uxbridge, MA. Application for Frontage Variance, in order to demolish the existing single family structure and construct a 4-unit structure. The public hearing was held on August 1, 2007, and closed following input. The lot shape and size has changed periodically over any decades, although it appears to have had 85 feet of frontage throughout these changes. **Motion** by Mr. Bentley to deny the application for variance since no facts were presented to establish hardship as required by MGL Chapter 40A Section 10. Seconded by Mr. Lutton, the motion carried unanimously.

## **OTHER BUSINESS**

The Board reviewed and signed bills.

**Motion** by Mr. Lutton to accept the minutes of the August 1, 2007 ZBA meeting as drafted. Seconded by Mr. Bentley, the motion carried unanimously.

**Motion** by Mr. Bentley to accept the minutes of the August 9, 2007 ZBA meeting as discussed. Seconded by Mr. Lutton, the motion carried unanimously.

**Motion** by Mr. Bentley to accept the minutes of the August 29, 2007 ZBA meeting as drafted. Seconded by Mr. Lutton, the motion carried unanimously.

**Motion** by Mt. Lutton to adjourn the meeting at 9:29 pm. Seconded by Mr. Bentley, the motion carried unanimously.

**Approved by the Town of Uxbridge Zoning Board of Appeals:**

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Mark Wickstrom

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Charles Lutton

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Thomas Bentley

Date: \_\_\_\_\_